

REMARKS/ARGUMENTS

Applicant has amended claims 1, 2, 13, 14, 19, 28, 29, and 30 of the claims in issue considered by the Examiner in the Final Office Action dated March 2, 2010. Upon entry of the response and of the amendments, claims 1-25 and 27-30 are pending for reconsideration by the Examiner.

Entry of this Response is proper since no additional search is required and the remarks are solely directed to the positions taken by the Examiner as to the meaning and proper interpretation of the claims of record and the cited Adler reference.

Upon further reflection, Applicant has amended Claims 2 and 13 to better define the term "pocket," and following the Examiner's recommendation, Applicant has amended Claims 29 and 30 to better conform to Claim 1. Claim 29 now contains all limitations of Claim 1. Grammatical corrections relating to the use of commas are also made in the claims.

The Examiner will also appreciate that the position of the user's fingers and hand resting on the working surface and forming the **hollow concave shape, i.e. pocket**, between the user's hand and working surface is **explicitly** given in the Applicant's specification as follows:

"In order to understand more fully the present invention, it is helpful to define ... an **optimal posture of the user's hand and fingers** on the working surface when operating a mouse. It can be readily determined that with **the low**

palm, fingertips, and the side of the distal phalanx of the thumb resting on the working surface without grasping anything, the fingers are not contracted at all, but are naturally curled in the relaxed, rest-position; what is more, the index fingertip seems to be slightly elevated in this position." (Paragraph 0030. emphases added);

"It is an object of this invention to provide a form of the mouse, which is shaped to fit within the **pocket formed by a user's hand when it rests on a working surface without grasping anything in a naturally relaxed curled fingers and hand position**" (Paragraph 0032, emphases added); and

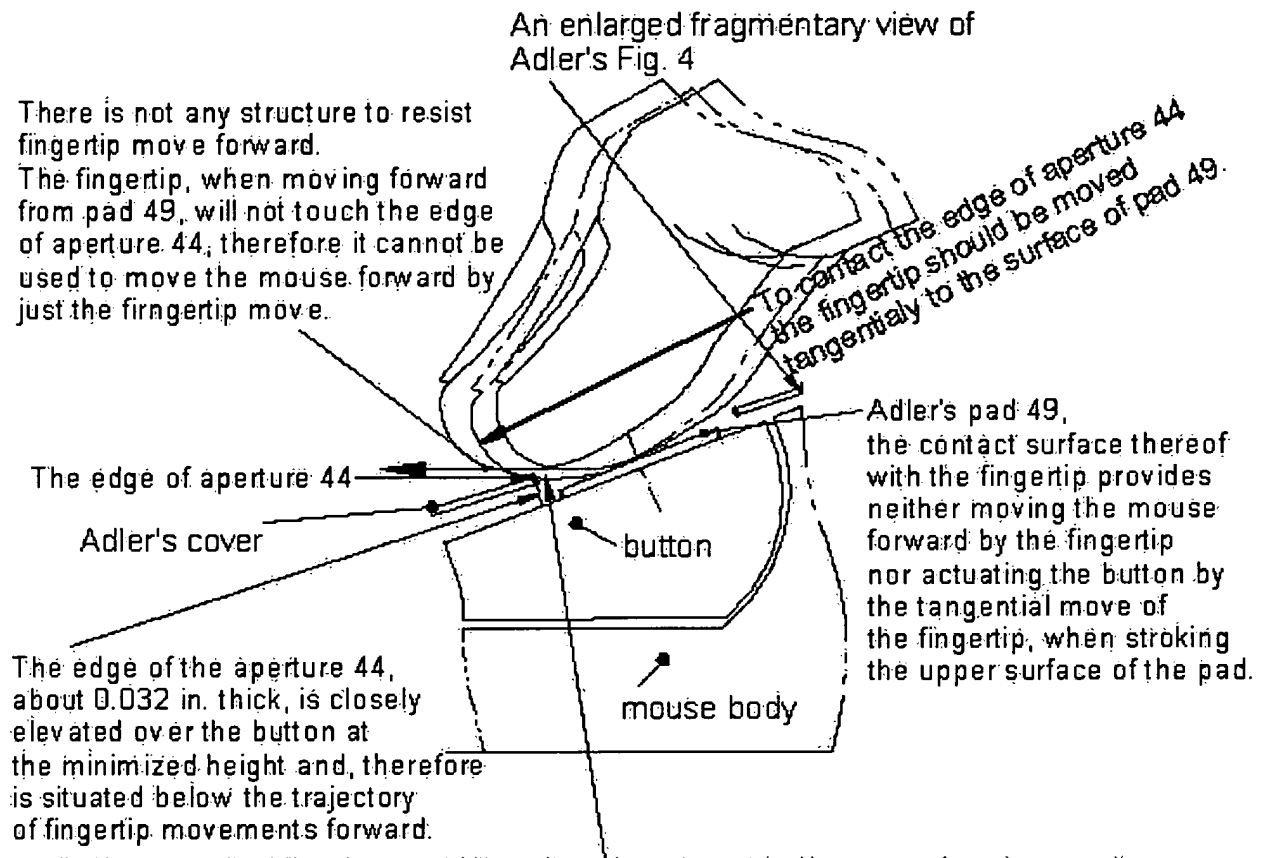
"...The **neutral posture of the user's hand** means that the user's **low palm, the side of the distal phalanx of the thumb, the ring-fingertip, and the little-fingertip** are resting on the working surface without gripping the mouse, and **only the user's index fingertip and the middle fingertip are supported by the mouse** when placed on the mould-formed contact areas of the primary button 105 and secondary button 106, respectively. Note that all fingers are naturally flexed ..." (Paragraph 0037, emphases added)

The Examiner has repeatedly rejected Claims 1-13, 24 and 27 -30 under 35 U.S.C. § 103(a) as being obvious by Adler (US Patent 6,256,015 B1). Applicant respectfully traverses the rejections.

Applicant continues to assert that claims 1, 2, and 29 were patentable over the cited Adler reference for the reason that the Adler reference does **not** disclose, teach, suggest or **motivate** any **structure**, like a **mould formed or**

attached on the upper surface of the button, which could enable the user to move securely the mouse by just the fingertip move directed forward or actuate the button by the fingertip move directed tangentially to the surface of the button.

To support Applicant's assertion, Applicant repeatedly submits below an annotated fragmentary illustration of Adler's Drawings, Figs. 4, and further annotated with an inserted contour of the finger.



The fingertip should not contact the edge of aperture 44, because the sufficient clearance around the fingertip and the edge should be provided to enable the user to actuate the button by depressing it by the finger move directed perpendicularly to the surface of the button. To contact the edge of aperture 44 with the fingertip one of skill should move their fingertip first tangential to, like stroking, the surface of pad 49.

Once contacted the edge with the fingertip one of skill can neither actuate the button, because the edge being placed under the fingertip will hinder depressing the button, nor move the mouse forward by the fingertip, because the edge is still below the trajectory of fingertip movements forward.

By considering the above submitted illustration the Examiner will appreciate the following limitations of Adler's disclosure and Applicant's claims.

First, Adler teaches the **cover** being **attached to** the mouse **casing**, which has the aperture to provide button actuating through the aperture.

This seems obvious, if not inherent, that the sufficient clearance around the edge of the aperture and fingertip **must** be provided to allow directly actuating the button by the fingertip movement through the aperture.

Adler claims "*means disposed **between the upper surface of the button and the lower surface of the cover for indirectly actuating the buttons ...***" (Paragraph 7, Claim 2, Lines 41-43, emphases added) The means, like pad 166 being attached to the button, protrude through the cover **over the edge** of the aperture.

Adler does **not** teach or motivate **direct contact** for the fingertip with the edge of the aperture, because the **edge will hinder fingertip movement** through the aperture **by button actuating**.

This means that the **empty space** between the **upper surface** of the **button** and the **lower surface** of Adler's cover, and between the **fingertip** and the **edge** of the aperture, **obviously cannot** be identified as a **contact** surface for the fingertip with Adler's cover, correspondingly, with the edge of the aperture, when placed on the pad 49, which is attached to the upper surface of the button.

Contrary to Adler, Applicant claims the **mould** being **formed or attached on the button**. The mould **tapers** upwardly from the upper surface of the button at the **height**, which provides the **moulded contact surface** for **direct contact** with the **fingertip**, when placed on the mould.

The given dictionary definition for the term “moulded surface” as “*to **mould** something round a fingertip - to **fit tightly round** the shape of a fingertip*” presumes direct contact for the fingertip with the moulded surface of the button.

These **obvious structural differences** between Adler’s cover, and Applicant’s mould or the moulded contact surface **distinguish** both the devices **in function**.

Applicant’s **mould** being **formed or attached** on the upper surface of the **button** provides the **moulded contact surface** for **direct contact** with the **fingertip**, which **allows** actuating the button by the fingertip movement directed **tangentially** to the upper surface of the button in the combined down-forward motion.

The Examiner will appreciate that a **force applied to** Adler’s **cover** being attached to the mouse casing, (**it does not matter in which direction**), will **not actuate** the **button**. Adler’s pad 49 being attached to the button does **not** provide sufficient contact surface with the fingertip to actuate the button by the fingertip move directed **tangentially** to the upper surface of the button.

Secondly, the “thicknesses” asserted by the Examiner in the Response to Arguments, dated March 2, 2010, as being **not** claimed in the Applicant’s disclosure, is **explicitly** claimed by Applicant as the **height**, at which the **mould tapers** upwardly from the upper surface of the button, thereby **providing** the **moulded contact surface** for direct contact with the **fingertip**, which allows the

user to **move securely the mouse** in the **forward** direction by just the **fingertip movement forward**.

In contrast, Adler teaches the **edge** of the aperture being **closely** elevated over the **angled** upper surface of the button and, as **seen** in the above submitted **illustration**, the edge is **obviously** situated **below** the trajectory of the fingertip movements forward.

Thus, Adler does **not** teach **any structure to resist fingertip movement directed forward**.

To move the mouse forward by just the fingertip move, when pushing against the cover, the Examiner suggests using the edge of Adler's aperture; this is **closely** elevated above the button at the **minimized** height and is **not** in direct **contact** with the **fingertip**.

To contact the edge in order to move the mouse forward, as suggested by the Examiner, one of skill must **first move** their fingertip **tangentially to** the upper surface of the pad 49 in the combined down-forward motion.

This **move** will **affect nothing**; neither mouse button actuating nor mouse movement forward.

By the same fingertip move, when placed on Applicant's mould, the button would be already actuated without actuating mouse movement.

Further, once contacted the edge with the fingertip one of skill can **neither actuate the button**, because the edge being placed under the fingertip will hinder depressing the button, **nor move the mouse forward by the fingertip**,

because the edge is still below the trajectory of fingertip movements forward, as it can be seen in the above submitted illustration.

Taking into account the above discussed structural differences between the claims and the Adler disclosure, the Examiner will appreciate that Adler cannot anticipate Applicant's Claims.

Furthermore, Adler does **not** teach, suggest, or motivate **any structure**, which could **enable** the user to **move** securely the mouse by just the **fingertip movement forward** or **actuate** the button by the **fingertip movement directed tangentially** to the surface of the button; therefore, the Examiner's rejections of Claims 1, 2, and 29, it is respectfully submitted, are improper.

Claims 3-25 and 27-30, which depend directly or indirectly in Claims 1 and 2 are patentable for the reasons advanced for Claims 1 and 2.

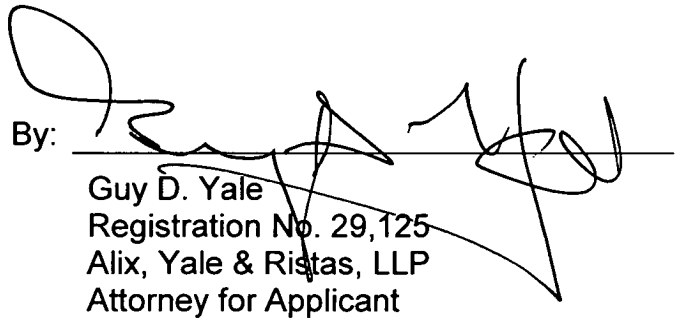
Applicant submits that the amendments as presently submitted very clearly cannot be remotely disclosed, taught, or suggested in the cited Adler reference (or in combination with any other reference cited or identified by the Examiner).

For the reasons discussed herein, Applicant respectfully contends that the Examiner's rejections were improper and respectfully request that the present claims be passed to issuance.

Application No. 10/527,241
Amendment Dated: March 26, 2010
Reply to Office Action of: March 2, 2010

Respectfully Submitted,

Alexander Boldin

By: 
Guy D. Yale
Registration No. 29,125
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: March 26, 2010
750 Main Street, Suite 1400
Hartford, CT 06103-2721
(860) 527-9211
Our Ref: BOLDIN/102/PC/US

GDY/tlc

G:\AYR saved docs\Filing Docs\Boldin\BOLDIN102PCUS\BOLDIN102PCUS_ResponseAF_3_26_10.doc